

## **REMARKS**

The Applicants' representative expresses appreciation for the opportunity to discuss the Application with Examiner David R. Vincent during a telephone interview that took place on August 1, 2005. In particular, Applicant's representative noted differences between aspects of the Applicants' invention and the teachings of the references used in rejections made in the Office action mailed June 23, 2005. Applicant's representative and Examiner Vincent failed to come to agreement on definitions of terms. The Examiner suggested that Applicants' representative address such issues in the response to the Office action mailed June 23, 2005. No agreement was reached regarding amendment of any claims.

### **Amendments to the Claims**

Claim 22 has been amended to add the text "wherein digital voice packets wirelessly exchanged by the at least one portable terminal comprise destination information used for routing the digital voice packets through the communication network." Support for the amendment may be found, for example, in Fig. 55a; at page 197, line 10 through page 199, line 2; and at page 257, line 17 through page 259, line 14. The Applicants respectfully submit that no new matter has been added by the amendment.

Claim 39 has been amended to add the text "wherein the packets comprising digital representations of sound also comprise destination information used for routing the packets through the communication network." Support for the amendment may be found, for example, in Fig. 55a; at page 197, line 10 through page 199, line 2; and at page 257, line 17 through page 259, line 14. The Applicants respectfully submit that no new matter has been added by the amendment.

### **Rejections of Claims**

Claims 1-21 in the Application as filed January 16, 2004 were cancelled by an accompanying Preliminary Amendment, that also added new claims 22-57. Claims 22-57 were rejected in an Office action mailed February 23, 2005. No claims were amended in a response that was filed May 25, 2005 to the Office action mailed February 23, 2005. Claims 22-57 were

rejected in a final Office action mailed June 23, 2005. Claims 22 and 39 are independent claims. Claims 23-38 and 40-57 depend from independent claims 22 and 39, respectively. The Applicants respectfully request reconsideration of the pending claims 22-57, in light of the following remarks.

Claims 22, 26-32, 33-40, 42-49, and 51-57 were rejected under 35 U.S.C. 102(e) as being anticipated by Ayanoglu (5,570,367) as set forth in the previous rejection (2/23/05). The Applicants respectfully traverse the rejection. However, in an effort to advance the Application towards allowance, the Applicants have amended claims 22 and 39.

With regard to the anticipation rejections, MPEP 2131 states, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 2 USPQ2d 1051, 1053 (Fed.Cir. 1987). MPEP 2131 also states, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Regarding amended claim 22, the Applicants respectfully submit that the Ayanoglu reference does not teach, suggest, or disclose, for example, a communication network supporting the exchange of voice and data, the network comprising at least one portable terminal having a wireless transceiver adapted for communication using a packet protocol; the at least one portable terminal adapted for converting sound into digital voice packets for transmission via the wireless transceiver, and for receiving digital voice packets via the wireless transceiver, the contents of the digital voice packet for conversion into sound; the at least one portable terminal adapted for capturing digital data into data packets for transmission via the wireless transceiver, and for receiving data packets via the wireless transceiver, the contents of the data packets used for reproducing digital data; at least one access device having a wireless transceiver for exchanging packets with the at least one portable terminal, the at least one access device comprising a network interface for exchanging information via a wired network; the at least one access device selectively transferring to its wireless transceiver for transmission at least a portion of the information received from its network interface, and selectively transferring to its network interface for transmission at least a portion of the information received by its wireless transceiver; and wherein digital voice packets wirelessly exchanged by the at least one portable

terminal comprise destination information used for routing the digital voice packets through the communication network. More specifically, for example, Ayanoglu fails to teach, suggest, or disclose digital voice packets wirelessly exchanged by a portable terminal, where the digital voice packets comprise destination information used for routing the digital voice packets through a communication network. Instead, Ayanoglu teaches a wireless communication system arranged to provide data communication services between at least one wireless end-user device and at least one base station. (See, e.g., Abstract)

Therefore, for at least the above stated reasons, the Applicants respectfully submit that Ayanoglu is different from and fails to anticipate the Applicant's invention as set forth in amended claim 22. Applicants believe that claim 22 is allowable over Ayanoglu. Because claims 23-38 dependent from claim 22, Ayanoglu is different from and fails to anticipate claims 22-38, as well. Therefore, claims 22-38 are also allowable over the Ayanoglu reference. The Applicants respectfully request that the rejection of claims 22, 26-32, and 34-38 under 35 U.S.C. §102(e), be withdrawn.

Regarding amended claim 39, the Applicants respectfully submit that the Ayanoglu reference does not teach, suggest, or disclose, for example, a communication network supporting the exchange of voice and data, the network comprising at least one portable terminal having a wireless transceiver adapted for communication using a packet protocol; the at least one portable terminal arranged to exchange via the wireless transceiver packets comprising digital representations of sound; the at least one portable terminal adapted to exchange via the wireless transceiver packets comprising digital data; at least one access device having a wireless transceiver for exchanging packets with the at least one portable terminal and comprising at least one network interface for exchanging information via a wired network; the at least one access device adapting packets from its wireless transceiver for transmission via a designated one of the at least one network interface, and for adapting information from the designated one of the at least one network interface for transmission as packets via its wireless transceiver; and wherein the packets comprising digital representations of sound also comprise destination information used for routing the packets through the communication network. More specifically, for example, Ayanoglu fails to teach, suggest, or disclose packets comprising digital representations of sound, where the packets also comprise destination information used for routing the packets through a

communication network. Instead, Ayanoglu teaches a wireless communication system arranged to provide data communication services between at least one wireless end-user device and at least one base station. (See, e.g., Abstract) The reasons stated in the Office action for the rejection of claim 39 are the same as those set forth for the rejection of claim 22. Therefore, the Applicants respectfully submit that claim 39 is allowable for at least the same reasons set forth above with respect to claim 22.

Therefore, for at least the above stated reasons, the Applicants respectfully submit that Ayanoglu is different from and fails to anticipate the Applicant's invention as set forth in amended claim 39. Applicants believe that claim 39 is allowable over Ayanoglu. Because claims 40-57 depend either directly or indirectly from claim 39, Ayanoglu is different from and fails to anticipate claims 40-57, as well. Therefore, claims 40-57 are also allowable over the Ayanoglu reference. The Applicant respectfully requests that the rejection of claims 39, 40, 42-49, and 51-57 under 35 U.S.C. §102(e), be withdrawn.

Claims 23-24, 41, 33 and 50 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ayanoglu as set forth above, in view of Cripps (US 5,838,730) as set forth in the previous rejection (2/23/05). The Applicants respectfully traverse the rejection. Regarding claims 23-24 and 33, the Applicants respectfully submit that claims 23-24 and 33 are dependent claims of independent claim 22. Applicants believe that independent claim 22 is allowable over the proposed combination of references, in that the proposed combination of references fails to overcome the deficiencies of Ayanoglu. Because claims 23-24 and 33 depend from claim 22, the Applicants respectfully submit that dependent claim 23-24 and 33 are allowable over the proposed combination of references for at least the reasons set forth above with respect to claim 22. Therefore, the Applicants respectfully request that the rejection of claims 23-24 and 33 under 35 U.S.C. 103(a) be withdrawn.

Regarding claims 41 and 50, the Applicants respectfully submit that claims 41 and 50 are dependent claims of independent claim 39. Applicants believe that independent claim 39 is allowable over the proposed combination of references, in that the proposed combination of references fails to overcome the deficiencies of Ayanoglu. Because claims 41 and 50 depend from claim 39, the Applicants respectfully submit that dependent claims 41 and 50 are allowable

over the proposed combination of references for at least the reasons set forth above with respect to claim 39. Therefore, the Applicants respectfully request that the rejection of claims 41 and 50 under 35 U.S.C. 103(a) be withdrawn.

Claims 25 and 42 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ayanoglu as set forth above, in view of Gilhousen (US 5,280,472) as set forth in the previous rejection (2/23/05). The Applicants respectfully traverse the rejection. Regarding claim 25, the Applicants respectfully submit that claim 25 is a dependent claim of independent claim 22. Applicants believe that independent claim 22 is allowable over the proposed combination of references, in that the proposed combination of references fails to overcome the deficiencies of Ayanoglu. Because claim 25 depends from claim 22, the Applicants respectfully submit that dependent claim 25 is allowable over the proposed combination of references for at least the reasons set forth above with respect to claim 22. Therefore, the Applicants respectfully request that the rejection of claim 25 under 35 U.S.C. 103(a) be withdrawn.

Regarding claim 42, the Applicants respectfully submit that claim 42 is a dependent claim of independent claim 39. Applicants believe that independent claim 39 is allowable over the proposed combination of references, in that the proposed combination of references fails to overcome the deficiencies of Ayanoglu. Because claim 42 depends from claim 39, the Applicants respectfully submit that dependent claim 42 is allowable over the proposed combination of references for at least the reasons set forth above with respect to claim 39. Therefore, the Applicants respectfully request that the rejection of claim 42 under 35 U.S.C. 103(a) be withdrawn.

## **Conclusion**

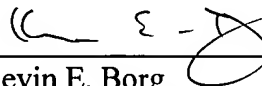
The Applicants believe that all of pending claims 22-57 are in condition for allowance. Should the Examiner disagree or have any questions regarding this submission, the Applicants invite the Examiner to telephone the undersigned at (312) 775-8000.

A Notice of Allowability is courteously solicited.

The Commissioner is hereby authorized to charge any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 13-0017.

Respectfully submitted,

Dated: September 21, 2005

  
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